

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HORTON HOMES, INC.,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	2:07-CV-506-MEF
V.)	
)	
LARUE BANDY, MARIE BANDY,)	
PATRICK PRITCHETT, WILLIAM)	
SHANER, ELSIE FONDREN)	
AVERETTE, WILLIAM CRUTHIRDS,)	
SHERRIE CRUTHIRDS, LARRY C.)	
McCULLOUGH, and ROBERT)	
JEROME TEAL, III,)	
)	
Defendants.)	
)	

PLAINTIFF HORTON HOMES, INC.'S DESIGNATION OF WITNESSES

NOW COMES Plaintiff Horton Homes, Inc. and pursuant to Fed. R. Civ. P. 26(a)(3) and Section 10 of the Uniform Scheduling Order [Doc. #48], files herewith its designation of witnesses, except witnesses solely for impeachment purposes, as follows:

I. Plaintiff expects to present the following witnesses at trial:

1. N. Dudley Horton, Jr., President
Horton Homes, Inc.
101 Industrial Boulevard
Eatonton, Georgia 31024
2. Russ Hicks, Vice President of Sales
Horton Homes, Inc.
101 Industrial Boulevard
Eatonton, Georgia 31024

3. Mike Willard, Sales Manager
Horton Homes, Inc.
101 Industrial Boulevard
Eatonton, Georgia 31024

II. Plaintiff may call the following witnesses at trial if the need arises:

1. David Giddens, C.P.A.
Horton Homes, Inc.
101 Industrial Boulevard
Eatonton, Georgia 31024
2. Steve Sinclair, President
H&S Homes, Inc.
101 Industrial Boulevard
Eatonton, Georgia 31024
3. Henry Hutchinson, Esq.
Capell & Howard, P.C.
150 South Perry Street
Montgomery, Alabama 36104
4. Michael Thigpen, C.P.A.
Christian, Kelly, Thigpen & Co. LLC
1312 Bellevue Avenue
Dublin, Georgia 31021-4152
5. William L. Weeks
6. David M. Hardy
7. Thomas L. Leach
8. Annette Leach
9. Raymond Horton
10. Jeff Mullis
11. Brad Beane
12. James G. Strickland
13. Joseph D. Hudson
14. Anne Marie Horton

15. Marlene Richards
16. Jeff Mullis
17. Ric Veal
18. Anslee Goldsby
19. Martin L. Fierman, Esq.
20. Joseph H. Briley, Esq.
21. Representative of The Peoples Bank
P.O. Box 4250
Eatonton, Georgia 31024
(706) 485-8542
22. Representative of Textron Financial
23. Representative of General Electric Corp.
24. Representative of Mauldin & Jenkins, C.P.A., if necessary to authenticate audits
25. Representative of KPMG, if necessary to authenticate audits
26. Elsie Fondren Averette, Defendant
27. Larue Bandy, Defendant
28. Marie Bandy, Defendant
29. Sherrie Cruthrids, Defendant
30. William Cruthrids, Defendant
31. Patrick Pritchett, Defendant
32. Robert Jerome, Teel, III, Defendant
33. Larry C. McCullough, Defendant
34. William Shaner, Defendant
35. Cliffie Shaner

36. Plaintiff reserves the right to call any witness listed by Defendants in the parties' consolidated Pretrial Order or in Defendants' witness list submitted pursuant to Section 10 of the Uniform Scheduling Order [Doc. #48].

Dated this 20th day of August, 2008.

By: /s/ Thomas C. Grant
JAMES L. PAUL
Georgia Bar No. 567600
THOMAS C. GRANT
Georgia Bar No. 297455
(Admitted Pro Hac Vice)

Chamberlain, Hrdlicka, White, Williams & Martin
191 Peachtree Street, N.E., 34th Floor
Atlanta, Georgia 30303
(404) 659-1410
(404) 659-1852 (Facsimile)
james.paul@chamberlainlaw.com

Sydney F. Frazier
SJIS #FRA007
Cabaniss, Johnston, Gardner, Dumas & O'Neal, LLP
2001 Park Place North, Suite 700
Birmingham, Alabama 35203
(205) 716-5291
(205) 716-5389 (Facsimile)
sff@cabaniss.com

Co-Counsel for Plaintiff Horton Homes, Inc.

CERTIFICATE OF SERVICE

This is to certify that on this date the undersigned has filed using the CM/ECF system a true and correct copy of "Plaintiff Horton Homes, Inc.'s Designation of Witnesses For Use At Trial" on the following parties and has served the following via the CM/ECF system:

Michael S. Harper
213 Barnett Boulevard
P.O. Box 780608
Tallassee, Alabama 36078

Frank H. Hawthorne, Jr.
Randy A. Myers
Hawthorne & Myers LLC
322 Alabama Street
Montgomery, Alabama 36104

Dated this 20th day of August, 2008.

By: /s/ Thomas C. Grant
JAMES L. PAUL
Georgia Bar No. 567600
THOMAS C. GRANT
Georgia Bar No. 297455
(Admitted Pro Hac Vice)

Counsel for Plaintiff Horton Homes, Inc.

Chamberlain, Hrdlicka, White, Williams & Martin
191 Peachtree Street, N.E., 34th Floor
Atlanta, Georgia 30303
(404) 659-1410
(404) 659-1852 (Facsimile)
james.paul@chamberlainlaw.com
286879.1
730302-000067:8/12/2008